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SH2318732

- Foot Pursuit evaluation form

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 08-16-12	Bureau/Station/Facility: FOR-II / South Los Angeles Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 012-07046-0377-055	Date: 08-16-12 Time: 0140 Hrs.
City or Station: South Los Angeles Station	Nature of Incident: Deputies were checking area for 923's. Deputies encountered Suspect while he was holding a rifle. Suspect pointed rifle at deputy. Deputy fired 3 rounds at suspect missing him. Suspect dropped weapon and was taken into custody.
Location: West 127th Street at Normandie Avenue, Unincorporated Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street**, Other: ________

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights**

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: Approximately 60 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, **Foot Pursuit**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ________

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Nicholas	Peter		EM **PM** Day	**Regular** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Schuerger	Paul		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Zonver	Nicole	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Murphy	Milton	

PSTD Use Only
SH # 2318732

Officer Involved Shooting

URN: 012-07046-0377-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-16-12	0400	08-16-12	

Employee #	Last Name	First Name	M.I
[redacted]	Libertone	Patrick	
[redacted]	Martinez	Richard	
[redacted]	Velasquez	Hector	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FR	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 012-07046-0377-055

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: [redacted]	Rank Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM Day (circled: PM)	ShiftType (*circle only one*): Regular Overtime Off Duty (circled: Regular)	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8-9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest (circled: Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: [redacted] Weight: [redacted]			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta 92FS	Caliber 9mm	# Shots 3	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 012-07046-0377-055

Suspect Information

S 1

Last Name: Brown		First Name: Joshua	M.I. C
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Addres[redacted]	City [redacted]	[redacted] & Zip [redacted]
Work [redacted]	Home Phone:	Social Secu[redacted]	Driver's Licen[redacted]
Age: 25 D.O.B. 07-11-87	Height: 5'9" Weight: 228	FBI # [redacted]	CII # [redacted]
Booking # 3266301	Primary Charge: 664/187PC Attempt Murder on P.O.	Secondary Charge: 246PC Shoot at inhabited dwelling	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON-HIT

CASE NUMBER: SH2318732

File # 012-07046-0377-055

DATE: August 16, 2012, Thursday

TIME: 0142 hours

LOCATION: West 127th Street at Normandie Avenue, Los Angeles CA. 90044

OPENING STATEMENT:

On Thursday, August 16, 2012, Internal Affairs Bureau investigators Sergeant Richard Martinez, Sergeant Hector Velasquez, and Lieutenant Patrick Libertone responded to West 127th Street and Normandie Avenue in the Unincorporated County of Los Angeles. Internal Affairs Bureau investigators and Walter Katz from the Office of Independent Review were given a briefing by Operation Safe Streets Bureau.

SYNOPSIS:

At approximately 0142 hours, Field Training Officer, Deputy [redacted] #[redacted] and his partner, Deputy Peter Nicholas #[redacted] were traveling east on West 126th Street toward Normandie Avenue in a marked patrol car. Deputy Nicholas was driving, when both deputies heard numerous gunshots. Both deputies believed the gunshots came from south of their location. Deputy Nicholas continued driving east on West 126th Street and turned right to southbound Normandie Avenue. As the patrol car reached the northwest corner of Normandie Avenue and West 127th Street, both deputies saw a male black adult (Suspect Brown) walking east on West 127th Street carrying a rifle. Deputy [redacted] got out of the patrol car and ordered the suspect to stop, as Deputy Nicholas made a U-turn on West 127th Street in order to follow the suspect who was now running north on the west sidewalk of Normandie Avenue. The suspect turned the rifle toward Deputies [redacted] and Nicholas. Fearing for his safety and his partner's safety, Deputy [redacted] fired three rounds from his Beretta 92F pistol, missing the suspect. Deputy [redacted] was approximately seventy feet from the suspect when he fired his weapon.

The suspect turned and ran north on Normandie Avenue and threw the rifle into the backyard of the residence located at [redacted] West 127th Street. He continued running north along the west sidewalk of Normandie Avenue.

Deputy Nicholas drove his patrol car north on Normandie Avenue as Deputy [redacted] ran after the suspect along the west sidewalk of Normandie Avenue. Deputy Nicholas put out emergent radio traffic that a deputy involved shooting had occurred, as he was driving on Normandie Avenue.

The suspect was ordered to stop and get on the ground and he complied. He was handcuffed and taken into custody without further incident. The suspect did not sustain any injuries as a result of the deputy involved shooting.

The suspect's rifle was recovered from the backyard of [redacted] West 127th Street, where he was seen throwing it. The rifle was loaded and contained eleven live rounds. The residence at [redacted] West 127th Street sustained seven bullet holes. Seven shell casings belonging to a rifle were recovered in front of the residence at [redacted] West 127th Street.

IAB Note: An incident report was prepared under file 012-07046-0377-055. The incident report along with all the supplemental reports is included with this case as **Exhibit A**. A copy of the radio traffic is included with this case as **Exhibit B**.

INVOLVED PERSONNEL:

[redacted] Deputy, #[redacted]

Assigned to [redacted]

Date of Employment: [redacted]

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

SUSPECT:

Brown, Joshua, MB/25, Booking #3266301

The Consolidated Criminal History System reveals [redacted] He is an associate of the "Harvard Gangster Crips." For a complete Consolidated Criminal History see a copy of his Criminal History which is included with this case as **Exhibit C**.

CIVILIAN WITNESSES:

The residential neighborhood near the shooting scene was canvassed for any potential witnesses. Some residents heard gunshots, saw the suspect running, or heard the deputies commands to the suspect. There were no witnesses to the actual deputy involved shooting. For further information regarding witness statements refer to supplemental reports in **Exhibit A**.

INJURIES:

No injuries to deputies or suspect.

PHYSICAL EVIDENCE:

Deputy [redacted] three 9MM Luger expended bullet casings were recovered from Normandie Avenue just north of West 127th Street. The area the casings were recovered from is consistent with Deputy [redacted] account of where he was when he fired at the suspect. The above items were identified, recovered and photographed by Sheriff's Department Crime Lab. For the exact location refer to Sheriff's Crime Lab supplemental report and diagram **Exhibit D.**

Suspect Brown's rifle was recovered from the backyard of [redacted] West 127th Street. The above item was identified, recovered and photographed by Sheriff's Department Crime Lab.

> **IAB Note:** For a complete list of evidence recovered, see Sheriff's Crime Lab supplemental report and diagram which is included with this case as **Exhibit D**.

INVESTIGATOR'S OBSERVATIONS:

Upon the investigators arrival they learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a deputy involved, non-hit shooting involving Deputy [redacted] Deputy [redacted] was a uniformed patrol deputy.

> **IAB Note:** IAB Lieutenant Patrick Libertone checked to see that the Watch Commander, Lieutenant Milton Murphy took reasonable steps to ensure the involved deputies did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Patrick Libertone ensured the Watch Commander had the involved deputies gather in the company of a supervisor until they had provided a statement to the assigned investigators.

The criminal investigation was handled by Operation Safe Streets Bureau (OSS) Detective Derek White #[redacted] He entered the crime scene with Deputy [redacted] He documented his actions and findings on supplemental reports. Detective White conducted a walk-through of the scene with IAB investigators, Force Training personnel and OIR Attorney Walter Katz. Sergeant Martinez directed Sheriff's Crime Lab personnel to photograph and document the scene.

IAB Note: Three CD'S containing photographs are included in this case as **Exhibit E.**

WEAPON USED BY DEPUTY:

[redacted]

Service Weapon Type: Beretta 9mm, 92FS, serial #BER[redacted]
Rounds Fired: Three
Type of Ammunition Used: Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

IAB Note: An examination of Deputy [redacted] firearm indicated he had shot a total of three rounds, as he carried his weapon with fifteen rounds in the magazine and one round in the chamber. Following the shooting his weapon contained twelve rounds in the magazine and one round in the chamber. Three 9MM casings were recovered at the scene. See **Exhibit D**. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Miscellaneous Documents**.

WEAPON USED BY SUSPECT:

Rifle, Eagle Arm Inc., 5.56mm, serial #[redacted]
Weapon recovered: Yes
Type of Ammunition Used:" WCC 84" .223 Caliber
No rounds were fired at deputy personnel

PROPERTY DAMAGE:

None. Unable to locate where Deputy [redacted] rounds landed.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Investigator's Name: Detective Derek White

Court: Inglewood

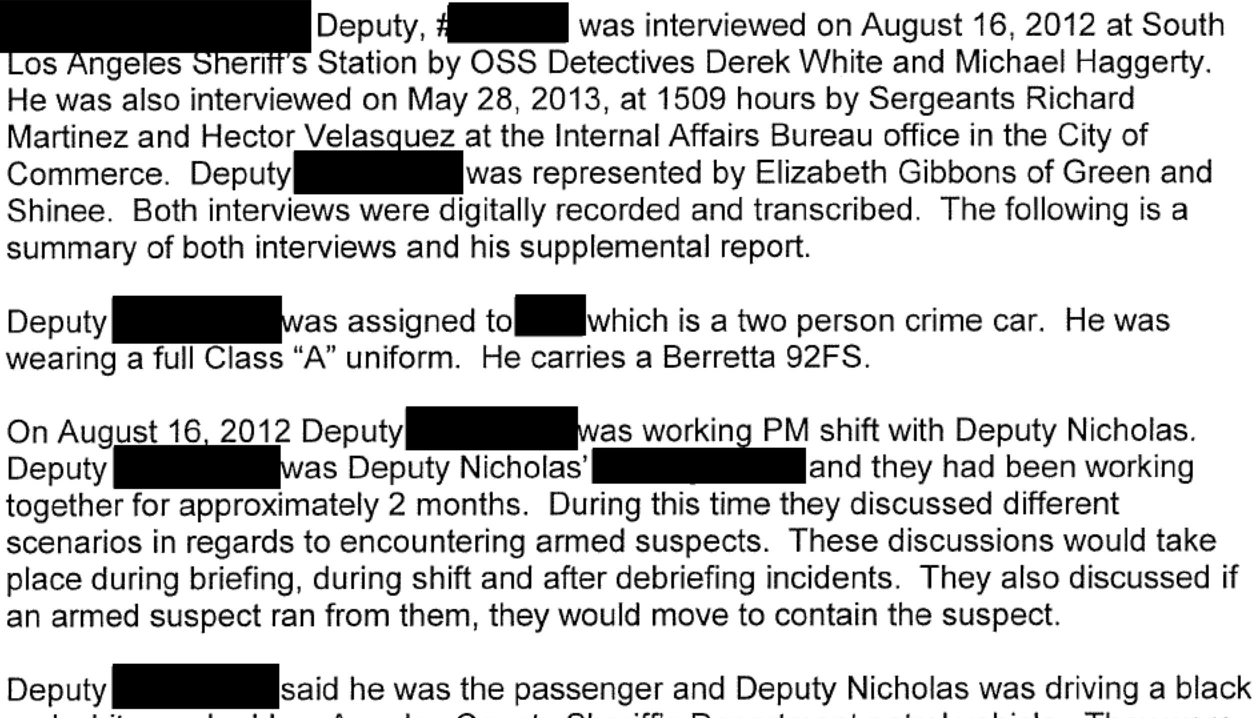
Charges: The District Attorney filed three felony charges against Suspect Brown; Assault with a Machine Gun/Assault Weapon on a Peace Officer, 245(d)(3) P.C. Shooting at an Inhabited Dwelling, 246 P.C. and Possession of an Assault Weapon, 30605(a)P.C.

Court Date: On January 14, 2013, Suspect Brown was convicted of Shooting at an Inhabited Dwelling, 246 P.C. and sentenced to five years in state prison.

LIGHTING AND WEATHER CONDITIONS:

The shooting occurred during night hours. The weather was clear. Lighting was provided by street lights and school security lights.

INVOLVED EMPLOYEE STATEMENT:



[redacted] Deputy, #[redacted] was interviewed on August 16, 2012 at South Los Angeles Sheriff's Station by OSS Detectives Derek White and Michael Haggerty. He was also interviewed on May 28, 2013, at 1509 hours by Sergeants Richard Martinez and Hector Velasquez at the Internal Affairs Bureau office in the City of Commerce. Deputy [redacted] was represented by Elizabeth Gibbons of Green and Shinee. Both interviews were digitally recorded and transcribed. The following is a summary of both interviews and his supplemental report.

Deputy [redacted] was assigned to [redacted] which is a two person crime car. He was wearing a full Class "A" uniform. He carries a Berretta 92FS.

On August 16, 2012 Deputy [redacted] was working PM shift with Deputy Nicholas. Deputy [redacted] was Deputy Nicholas' [redacted] and they had been working together for approximately 2 months. During this time they discussed different scenarios in regards to encountering armed suspects. These discussions would take place during briefing, during shift and after debriefing incidents. They also discussed if an armed suspect ran from them, they would move to contain the suspect.

Deputy [redacted] said he was the passenger and Deputy Nicholas was driving a black and white marked Los Angeles County Sheriff's Department patrol vehicle. They were driving east on West 126th Street approaching Normandie Avenue when he heard approximately seven to eight gunshots directly south of his location. He told Deputy Nicholas to drive south on Normandie Avenue to see if someone was shot or injured, so he could get them treatment and find out what happened.

As they drove toward the sound of the gunshots he had his duty weapon in his left hand (strong hand) and his right hand on the door handle. Due to the close proximity of the gunshots he felt he would be at a tactical disadvantage if he was talking on the radio as they drove towards the area.

Deputies Nicholas and [redacted] started to turn onto West 127th Street from Normandie Avenue when he (Deputy [redacted] saw a male black holding an assault rifle, running towards him. The suspect was on the north sidewalk of West 127th Street running eastbound towards Normandie Avenue. The suspect was holding the rifle in an upwards position. His right hand was on the hand guard and his left hand was on the pistol grip. The male continued running and turned north on Normandie Avenue and continued running on the west sidewalk.

> **IAB NOTE:** During his interview Deputy [redacted] was shown a picture of the area of the shooting scene. He marked where he first saw the suspect, as he was seated in the vehicle. He also marked where he was, as the suspect ran on Normandie Avenue away from him. That picture is included with this case as **Exhibit F**.

Deputy [redacted] exited the patrol vehicle and told his partner, "That's him." Deputy [redacted] felt it was a disadvantage to remain in the vehicle, as he was so close to the suspect. Deputy [redacted] immediately began to yell orders at the suspect. He repeatedly told him to stop and drop the gun. Deputy [redacted] took cover behind the cinder block wall that is located on the northwest corner of Normandie Avenue and West 127th Street. He saw that Deputy Nicholas was still in the vehicle and was making a U-turn. The suspect was running north on the west sidewalk of Normandie Avenue along the cinder block wall.

The suspect stopped running after about 40 feet and started to turn towards Deputy [redacted] whose lower torso was partially behind the rounded wall. Deputy [redacted] saw the suspect turn to his left and place the stock of the rifle onto his left shoulder and level the barrel at him. Deputy [redacted] saw the rifle had a large magazine and remembered hearing seven to eight shots. He felt the rifle still had at least 20 more rounds in it and thought the suspect was going to kill him. Deputy [redacted] fired three rounds in rapid succession from his Beretta, missing the suspect. The suspect was now approximately seventy feet from Deputy [redacted] when he shot. After the shots were fired, the suspect turned back towards the wall and threw the rifle over it. He then ran north on the west sidewalk of Normandie Avenue again.

Deputy [redacted] started to run after the suspect northbound on the west sidewalk of Normandie Avenue, after he saw the suspect discard his rifle. Deputy [redacted] was giving orders for the suspect to stop running as he chased him. His intentions were to keep an eye on the suspect in case he turned onto West 126th Street. He was aware Deputy Nicholas was driving next to him, as he heard the patrol vehicle. He thought about using the patrol vehicle as cover, but decided to use the telephone pole that was ahead of him. The suspect complied with the orders to stop running and laid on the ground just north of the telephone pole. This telephone pole is located on the west sidewalk of Normandie Avenue between West 126th Street and West 127th Street and is approximately one hundred and seventy feet from the corner of West 127th Street and Normandie Avenue.

IAB NOTE: A foot pursuit evaluation form was completed and is included with this case. See **Miscellaneous Documents.**

Deputy [redacted] did not initially put out emergent radio traffic after the shooting, as he heard Deputy Nicholas put it out. Deputies [redacted] and Nicholas detained the suspect at gunpoint and waited for additional units. After the units arrived the suspect was taken into custody without incident.

Deputy [redacted] said he was aware of the surroundings before he fired his weapon. He said he could see clear up Normandie Avenue and there was no foot traffic or vehicles. He added there was adequate lighting from the streetlights and the tactical light on his firearm. Deputy [redacted] estimated six to eight seconds had elapsed from the time he initially saw the suspect, to the time he was detained at gunpoint.

WITNESS STATEMENT:

Peter Nicholas, Deputy, #[redacted] was interviewed on August 16, 2012 at South Los Angeles Sheriff's Station by OSS Detectives Derek White and Michael Haggerty. He was also interviewed on May 28, 2012, at 1439 hours by Sergeants Richard Martinez and Hector Velasquez at the Internal Affairs Bureau office in the City of Commerce. Deputy Nicholas was represented by Elizabeth Gibbons of Green and Shinee. His interview was digitally recorded and transcribed. The following is a summary of both his interview and his supplemental report.

Deputy Nicholas was working a two man crime car with his partner [redacted] Deputy [redacted] They were both wearing Class "A" uniforms and were driving a marked black and white patrol vehicle. They were driving east on West 126th Street between Halldale Avenue and Normandie Avenue when he heard approximately eight gunshots directly south of them. Deputy Nicholas turned south onto Normandie Avenue towards West 127th Street in an effort to locate the source of the gunshots. As they were making a right turn onto West 127th Street from Normandie Avenue he saw a male black running towards them on the north sidewalk of West 127th Street. The suspect was approximately five feet from the patrol vehicle and was carrying a black rifle. The suspect had his left hand on the pistol grip and his right hand on the hand guard of the barrel. Deputy Nicholas described this as "port arms."

The suspect saw them and turned left onto Normandie Avenue and continued running on the west sidewalk. Deputy [redacted] exited the vehicle and said, "that's him," as he took cover behind the cinder block wall which is located on the northwest corner of Normandie Avenue and West 127th Street. Deputy Nicholas stayed in the vehicle and made a U-turn on West 127th Street. As he conducted this U-turn, he heard Deputy [redacted] giving orders for the suspect to stop and drop the gun. Deputy Nicholas looked over his shoulder to locate Deputy [redacted] in the middle of the U-turn on West 127th Street and saw that he was still behind the cinder block wall. He then saw Deputy [redacted] fire his weapon three to four times. Deputy Nicholas could not see the suspect at this point and continued to drive the vehicle.

He completed the U-turn and stopped at Normandie Avenue in time to see the suspect throw the rifle over the cinder block wall that was next to him and continue running north on Normandie Avenue.

Deputy Nicholas stayed in the patrol vehicle and drove north on Normandie Avenue. Deputy [redacted] was slightly ahead of him as he ran on the west sidewalk. Deputy Nicholas broadcasted emergent radio traffic as the suspect stopped running just north of the telephone pole that is located on the west side of Normandie Avenue between West 126th Street and West 127th Street. The suspect complied with Deputy [redacted] orders and laid down on the ground. Once assisting units arrived the suspect was taken into custody without incident.

Deputy Nicholas chose to stay in the patrol vehicle throughout the incident, as he felt it provided him cover, gave him access to the shotgun and ammunition and if the suspect continued running he would be able to catch up to the suspect and set up a containment.

Deputy Nicholas said he and Deputy [redacted] discussed different scenarios when encountering armed suspects. The scenarios included the suspect on foot, as well as in a vehicle.

IAB NOTE: During his interview Deputy Nicholas was shown a picture of the area of the shooting scene. He marked where Deputy [redacted] was at the time of the shooting. Where the patrol vehicle was when he saw Deputy [redacted] shoot and where he saw the suspect discard the rifle. That picture is included with this case as **Exhibit G.**

SUSPECT STATEMENT:

Suspect Joshua Brown was interviewed by OSS Detectives Derek White, Michael Haggerty and [redacted] at South Los Angeles Station. His interview was digitally recorded and transcribed. The interview was summarized by Detective White and may be found on Detective White's Supplemental Report **Exhibit A**

Suspect Joshua Brown was interviewed by Internal Affairs Bureau Sergeant Richard Martinez on June 9, 2013 at 0903 hours. The interview took place over the telephone, as he is currently in prison. His interview was digitally recorded and transcribed. The following is a summary of his interview.

Suspect Brown said he had just finished shooting at a house on 127th Street and ran towards Normandie Avenue while holding the rifle he just used. As he was turning north on Normandie Avenue he saw a Sheriff's Department car at the corner next to him. He continued running and threw the rifle over the wall he was running along. He said he never turned towards the deputies and never pointed the rifle at them. Suspect Brown said he was holding the rifle with his left hand as he ran and the barrel was pointing towards the ground.

Approximately 10 seconds after he threw the rifle, he heard three to four gunshots. Believing the deputy had fired at him, he dropped to the ground just past the telephone pole. He said he wanted to get away and that is why he did not stop running when he first saw the deputies.

Suspect Brown said he was running at a full sprint during the incident and estimated twenty to thirty seconds had elapsed from the time he first saw the deputies, to when he was taken into custody. He estimated ten seconds had elapsed from the time he discarded the rifle, to the time he was shot at by the deputy.